

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREG ABBOTT, ET AL.,

Defendants.

CIVIL ACTION No. AU:23-CV-00853-DAE

JOINT MOTION FOR EXTENSION OF TIME AND DISCOVERY SCHEDULE

Plaintiff, the United States of America, and Defendants, Governor Greg Abbott and the State of Texas (together, “Texas”), hereby jointly move the Court to enter a proposed revised schedule for completing discovery and for briefings. In support of this Motion, the Parties state the following:

1. At or around 11:40 P.M., C.D.T. on July 18, 2024, a faulty update from the Austin-based, computer security company CrowdStrike caused outages across multiple computer systems.
2. The Parties conferred about the issue on the night of July 18th and the morning of July 19th.
3. The Parties are each being affected across several of their internal computer systems. This has inhibited their ability to meet deadlines regarding discovery and motions practice. Due to the outages, it is unlikely that the Parties will be able to meet deadlines listed in the active Scheduling Order (ECF No. 97) and Judge Howell’s Briefing Schedule Order (ECF No. 167).
4. The Parties propose the following change to the active Scheduling Order (ECF No.

97):

- The close of discovery be moved to Monday, July 22, 2024, at 5:00 P.M., C.D.T.

5. The Parties propose the following changes to Judge Howell's Briefing Schedule Order (ECF No. 167):

- Texas's Response to the United States' Motion to Compel Email to Experts, which was served on the United States by email Thursday evening, will be filed in identical form on CM/ECF as soon as Texas is able to do so.
- Both Parties' outstanding replies to motions will be due Monday, July 22, 2024, at 5:00 P.M., C.D.T.
- The Parties' joint advisory on all motions will be moved to noon on Tuesday, July 23, 2024.

6. The Parties respectfully request an order granting an extension of the current deadlines listed in paragraph #4 and #5 and affirm that the Motion is not presented for purposes of delay and will not prejudice any party to this litigation.

Date: July 19, 2024

Respectfully submitted,

Ken Paxton
Attorney General of the State of Texas

Brent Webster
First Assistant Attorney General

Ralph Molina
Deputy Attorney General for Legal Strategy

Ryan Walters
Chief, Special Litigation Division

Office of the Attorney General
P. O. Box 12548, MC-009
Austin, TX 78711-2548
(512) 936-2172

/s/ Johnathan Stone
Johnathan Stone
Special Counsel
Tex. State Bar No. 24071779
Johnathan.stone@oag.texas.gov

David Bryant
Senior Special Counsel
Tex. State Bar No. 03281500
david.bryant@oag.texas.gov

Munera Al-Fuhaid
Special Counsel
Tex. State Bar No. 24094501
munera.al-fuhaid@oag.texas.gov

Kyle S. Tebo
Special Counsel
Tex. State Bar No. 24137691
kyle.tebo@oag.texas.gov

Zachary Berg
Special Counsel
Tex. State Bar. 24107706
Zachary.Berg@oag.texas.gov

Counsel for Defendants

JAIME ESPARZA
UNITED STATES ATTORNEY

TODD KIM
ASSISTANT

ATTORNEY

GENERAL

Environment & Natural Resources
Division

/s/

LANDON WADE

Assistant United States Attorney
Texas Bar No. 24098560
United States Attorney's Office
Western District of Texas
903 San Jacinto Blvd., Ste. 334
Austin, TX 78701
(512) 370-1255 (tel.)
(512) 916-5854 (fax)
landon.wade@usdoj.gov

/s/

BRIAN H. LYNK

Senior Trial Counsel
DC Bar No. 459525
KIMERE J. KIMBALL
Trial Attorney
CA Bar No. 260660
ANDREW D. KNUDSEN
Trial Attorney
DC Bar No. 1019697
BRYAN J. HARRISON
Trial Attorney
FL Bar No. 106379
U.S. Department of Justice
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
(202) 514-6187 (Lynk)
(202) 514-8865 (fax)
Brian.lynk@usdoj.gov
Andrew.knudsen@usdoj.gov
Kimere.kimball@usdoj.gov
Bryan.harrison@usdoj.gov

Counsel for the United States of America

CERTIFICATE OF SERVICE

On July 19, 2024, this document was filed electronically through the Court's CM/ECF system, which automatically serves all counsel of record.

s/ Johnathan Stone
Johnathan Stone
Special Counsel